

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DELAWARE DEPARTMENT OF	)	
NATURAL RESOURCES AND	)	
ENVIRONMENTAL CONTROL,	)	
Plaintiff,	)	
	)	
And	)	
	)	Case No.: 1:18-cv-00838-MN-JLH
GARY and ANNA-MARIE CUPPELS,	)	
Individually and on behalf of others	)	
Similarly situated,	)	
Intervenors,	)	
	)	
v.	)	
	)	
MOUNTAIRE FARMS OF	)	
DELAWARE, INC., a Delaware	)	
Corporation,	)	
Defendant.	)	

**WITHDRAWAL OF MOTION FOR RELIEF FROM ORDER**

**COMES NOW**, Defendant, Mountaire Farms of Delaware, Inc., by and through its counsel, hereby withdrawing its Motion for Relief From Order (D.I. 17) filed on April 12, 2019 pursuant to Civil Rule 60(b)(6) (the “Rule 60 Motion”). In support whereof the following is provided:

WHEREAS, on June 28, 2018 Gary and Anna Marie Cuppels (“Intervenors”) moved to intervene in this case (D.I. 4); and

WHEREAS, over the objections of Defendant, the Court granted Intervenors’ motion on March 25, 2019 (D.I. 16); and

WHEREAS, Defendant thereafter filed its Rule 60 Motion requesting the Court amend and supplement its Order granting intervention; and

WHEREAS, the Court has not acted on Defendant's Rule 60 Motion; and

WHEREAS, Plaintiff Delaware Department of Natural Resources and Environmental Control lodged a First Amended Agreement and Proposed Consent Decree (the "First Amended Consent Decree") with the Court on June 2, 2020 (D.I. 94) and moved the Court for entry of the First Amended Consent Decree on August 21, 2020 (D.I. 108); and

WHEREAS, all parties now desire that the First Amended Consent Decree be entered as an Order of this Court; and

WHEREAS, entry of the First Amended Consent Decree will, as a practical matter, render the requests set forth in the Rule 60 Motion moot.

NOW THEREFORE Defendant Mountaire Farms of Delaware, Inc. hereby withdraws the Rule 60 Motion.

PARKOWSKI, GUERKE & SWAYZE, P.A.

By: /s/ Michael Teichman

Michael W. Teichman (ID No. 3323)

F. Michael Parkowski, (ID No. 7)

Mark F. Dunkle (ID No. 2656)

Elio Battista, Jr. (ID No. 3814)

1105 North Market Street, 19th Floor

Wilmington, DE 19801

(302) 594-3333

[mteichman@pgslegal.com](mailto:mteichman@pgslegal.com)

Of Counsel:  
Timothy K. Webster, Esquire  
Sidley Austin LLP  
1501 K. Street N.W.  
Washington DC 20005  
(202) 736-8131  
*Attorneys for Defendants*

DATED: April 9, 2021